

House File 520

H-1162

1 Amend House File 520 as follows:

2 1. Page 1, after line 22 by inserting:

3 <Sec. ____ . Section 124D.2, Code 2017, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 **124D.2 Definitions.**

7 As used in this chapter:

8 1. "*Cannabidiol*" means a nonpsychoactive
9 cannabidiol found in the plant *Cannabis sativa* L.
10 or *Cannabis indica* or any other preparation thereof
11 that is essentially free from plant material, and has
12 a tetrahydrocannabinol level of no more than three
13 percent.

14 2. "*Debilitating medical condition*" means
15 intractable epilepsy and any other medical condition
16 or its treatment recommended by the university of Iowa
17 carver college of medicine and approved by the general
18 assembly by law.

19 3. "*Department*" means the department of public
20 health.

21 4. "*Health care practitioner*" means an individual
22 licensed under chapter 148 to practice medicine
23 and surgery or osteopathic medicine and surgery who
24 provides specialty care for a resident of this state
25 for one or more debilitating medical conditions.

26 5. "*Intractable epilepsy*" means an epileptic seizure
27 disorder for which standard medical treatment does
28 not prevent or significantly ameliorate recurring,
29 uncontrolled seizures or for which standard medical
30 treatment results in harmful side effects.

31 6. "*Medical cannabidiol dispensary*" means an entity
32 located in this state and licensed by the department
33 that acquires cannabidiol from a medical cannabidiol
34 manufacturer licensed in this state for the purpose of
35 dispensing cannabidiol in this state pursuant to this

1 chapter.

2 7. *“Medical cannabidiol manufacturer”* means an
3 entity located in this state and licensed by the
4 department to process, package, transport, and supply
5 cannabidiol to a medical cannabidiol dispensary
6 pursuant to the provisions of this chapter.

7 8. *“Medical cannabis grower”* means an entity located
8 in this state and licensed by the department to grow,
9 cultivate, harvest, and transport cannabis pursuant to
10 the provisions of this chapter.

11 9. *“Primary caregiver”* means a person, at least
12 eighteen years of age, who has been designated by a
13 patient’s health care practitioner or by a person
14 having custody of a patient, as being necessary to
15 take responsibility for managing the well-being of the
16 patient with respect to the medical use of cannabidiol
17 pursuant to the provisions of this chapter.

18 Sec. _____. Section 124D.3, Code 2017, is amended to
19 read as follows:

20 **124D.3 ~~Neurologist~~ Health care practitioner**
21 **recommendation — medical use of cannabidiol.**

22 A ~~neurologist~~ health care practitioner who
23 has examined and treated a patient suffering from
24 ~~intractable epilepsy~~ a debilitating medical condition
25 may provide but has no duty to provide a written
26 recommendation for the patient’s medical use of
27 cannabidiol to treat or alleviate symptoms of
28 ~~intractable epilepsy~~ the debilitating medical condition
29 if no other satisfactory alternative treatment
30 options exist for the patient and all of the following
31 conditions apply:

32 1. The patient is a permanent resident of this
33 state.

34 2. A ~~neurologist~~ health care practitioner has
35 treated the patient for ~~intractable epilepsy~~ for at

1 ~~least six months~~ a debilitating medical condition. For
2 purposes of this treatment period, and notwithstanding
3 section 124D.2, subsection 4, treatment provided by
4 a ~~neurologist~~ health care practitioner may include
5 treatment by an out-of-state licensed ~~neurologist~~
6 health care practitioner in good standing.

7 ~~3. The neurologist has tried alternative treatment~~
8 ~~options that have not alleviated the patient's~~
9 ~~symptoms.~~

10 ~~4. 3.~~ 3. The ~~neurologist~~ health care practitioner
11 determines the risks of recommending the medical use of
12 cannabidiol are reasonable in light of the potential
13 benefit for the patient.

14 ~~5. 4.~~ 4. The ~~neurologist~~ health care practitioner
15 maintains a patient treatment plan.

16 Sec. _____. Section 124D.4, subsection 1, paragraph
17 c, Code 2017, is amended to read as follows:

18 *c.* Requests the patient's ~~neurologist~~ health care
19 practitioner to submit a written recommendation to
20 the department signed by the ~~neurologist~~ health care
21 practitioner that the patient may benefit from the
22 medical use of cannabidiol pursuant to [section 124D.3](#).

23 Sec. _____. Section 124D.4, subsection 1, paragraph
24 d, subparagraph (3), Code 2017, is amended to read as
25 follows:

26 (3) Full name, address, and telephone number of the
27 patient's ~~neurologist~~ health care practitioner.

28 Sec. _____. Section 124D.4, subsection 1, Code 2017,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. *e.* Submits a cannabidiol
31 registration card fee of one hundred dollars to the
32 department. If the patient attests to receiving social
33 security disability benefits, supplemental security
34 insurance benefits, or being enrolled in the medical
35 assistance program, the fee shall be twenty-five

1 dollars.

2 Sec. _____. Section 124D.4, subsection 3, paragraph
3 b, Code 2017, is amended to read as follows:

4 *b.* Requests a patient's ~~neurologist~~ health care
5 practitioner to submit a written recommendation to
6 the department signed by the ~~neurologist~~ health care
7 practitioner that a patient in the primary caregiver's
8 care may benefit from the medical use of cannabidiol
9 pursuant to [section 124D.3](#).

10 Sec. _____. Section 124D.4, subsection 3, paragraph
11 c, subparagraph (4), Code 2017, is amended to read as
12 follows:

13 (4) Full name, address, and telephone number of the
14 patient's ~~neurologist~~ health care practitioner.

15 Sec. _____. Section 124D.5, subsection 1, paragraph
16 b, subparagraph (1), Code 2017, is amended by adding
17 the following new subparagraph division:

18 NEW SUBPARAGRAPH DIVISION. (c) To authorized
19 employees of a medical cannabidiol dispensary, but only
20 for the purpose of verifying that a person is lawfully
21 in possession of a cannabidiol registration card issued
22 pursuant to this chapter.

23 Sec. _____. Section 124D.5, subsection 2, Code 2017,
24 is amended by striking the subsection and inserting in
25 lieu thereof the following:

26 2. The department shall adopt rules pursuant to
27 chapter 17A to administer this chapter which shall
28 include but not be limited to rules to do all of the
29 following:

30 *a.* Govern the manner in which the department shall
31 consider applications for new and renewal cannabidiol
32 registration cards.

33 *b.* Establish requirements for the suspension
34 and revocation of cannabidiol registration cards
35 and medical cannabis grower, medical cannabidiol

1 dispensary, and medical cannabidiol manufacturer
2 licenses.

3 *c.* Establish requirements for the licensure
4 of medical cannabis growers, medical cannabidiol
5 manufacturers, and medical cannabidiol dispensaries
6 and set forth procedures for medical cannabis growers,
7 medical cannabidiol manufacturers, and medical
8 cannabidiol dispensaries to obtain licenses.

9 *d.* Develop a dispensing system for medical
10 cannabidiol dispensaries to dispense cannabidiol within
11 this state that provides for all of the following:

12 (1) Medical cannabidiol dispensaries within this
13 state housed on secured grounds.

14 (2) The dispensing of cannabidiol to patients and
15 their primary caregivers in person to occur at medical
16 cannabidiol dispensary locations designated by the
17 department.

18 *e.* Establish and collect annual fees from medical
19 cannabis growers, medical cannabidiol manufacturers,
20 and medical cannabidiol dispensaries to cover the costs
21 associated with regulating and inspecting medical
22 cannabis growers, medical cannabidiol manufacturers,
23 and medical cannabis dispensaries.

24 *f.* Specify and implement procedures that address
25 public safety including security procedures and product
26 quality including measures to ensure contaminant-free
27 cultivation of cannabis, safety in the medical use of
28 cannabidiol, and appropriate labeling of cannabidiol by
29 medical cannabidiol dispensaries.

30 *g.* Establish and implement a real-time, statewide
31 cannabidiol registry management sale tracking system
32 that is available to medical cannabidiol dispensaries
33 on a twenty-four-hour-day, seven-day-a-week basis for
34 the purpose of verifying that a person is lawfully in
35 possession of a cannabidiol registration card issued

1 pursuant to this chapter and for tracking the date of
2 the sale and quantity of cannabidiol purchased by or
3 dispensed to a patient or a primary caregiver.

4 *h.* Establish and implement a real-time global
5 positioning, transportation, and delivery tracking
6 system to track cannabis from cultivation by a medical
7 cannabis grower through production of cannabidiol
8 by a cannabidiol manufacturer through dispensing of
9 cannabidiol at a cannabidiol dispensary.

10 Sec. _____. Section 124D.6, subsections 1 and 2, Code
11 2017, are amended to read as follows:

12 1. *a.* A recommendation for the possession or use
13 of cannabidiol as authorized by [this chapter](#) shall
14 be provided exclusively by a ~~neurologist~~ health care
15 practitioner for a patient who has been diagnosed with
16 ~~intractable epilepsy~~ a debilitating medical condition.

17 *b.* Cannabidiol provided exclusively pursuant to the
18 recommendation of a ~~neurologist~~ health care practitioner
19 ~~an out-of-state source and~~ health care practitioner
20 shall only be recommended for oral or transdermal
21 administration.

22 *c.* A ~~neurologist~~ health care practitioner shall
23 be the sole authorized recommender as part of
24 the treatment plan by the ~~neurologist~~ health care
25 practitioner of a patient diagnosed with ~~intractable~~
26 ~~epilepsy~~ a debilitating medical condition. A
27 ~~neurologist~~ health care practitioner shall have the
28 sole authority to recommend the use or amount of
29 cannabidiol, if any, in the treatment plan of a patient
30 diagnosed with ~~intractable epilepsy~~ a debilitating
31 medical condition.

32 2. A ~~neurologist~~ health care practitioner,
33 including any authorized agent thereof, shall not be
34 subject to prosecution for the unlawful recommendation,
35 possession, or administration of marijuana under the

1 laws of this state for activities arising directly out
2 of or directly related to the recommendation or use of
3 cannabidiol in the treatment of a patient diagnosed
4 with ~~intractable epilepsy~~ a debilitating medical
5 condition.

6 Sec. _____. Section 124D.6, Code 2017, is amended by
7 adding the following new subsections:

8 NEW SUBSECTION. 2A. A medical cannabis grower,
9 including any authorized agent or employee thereof,
10 shall not be subject to prosecution for possessing,
11 growing, cultivating, or harvesting cannabis pursuant
12 to this chapter.

13 NEW SUBSECTION. 2B. A medical cannabidiol
14 manufacturer, including any authorized agent or
15 employee thereof, shall not be subject to prosecution
16 for possessing, manufacturing, processing, packaging,
17 transporting, or supplying cannabidiol pursuant to this
18 chapter.

19 NEW SUBSECTION. 2C. A medical cannabidiol
20 dispensary, including any authorized agent or
21 employee thereof, shall not be subject to prosecution
22 for possessing, packaging, or dispensing medical
23 cannabidiol pursuant to this chapter.

24 Sec. _____. Section 124D.6, subsection 3, paragraphs
25 a and b, Code 2017, are amended to read as follows:

26 a. In a prosecution for the unlawful possession
27 of marijuana under the laws of this state, including
28 but not limited to [chapters 124](#) and [453B](#), it is an
29 affirmative and complete defense to the prosecution
30 that the patient has been diagnosed with ~~intractable~~
31 ~~epilepsy~~ a debilitating medical condition, used or
32 possessed cannabidiol pursuant to a recommendation by
33 a ~~neurologist~~ health care practitioner as authorized
34 under [this chapter](#), and, for a patient eighteen
35 years of age or older, is in possession of a valid

1 cannabidiol registration card.

2 *b.* In a prosecution for the unlawful possession
3 of marijuana under the laws of this state, including
4 but not limited to [chapters 124](#) and [453B](#), it is an
5 affirmative and complete defense to the prosecution
6 that the person possessed cannabidiol because the
7 person is a primary caregiver of a patient who has been
8 diagnosed with ~~intractable epilepsy~~ a debilitating
9 medical condition and is in possession of a valid
10 cannabidiol registration card, and where the primary
11 caregiver's possession of the cannabidiol is on behalf
12 of the patient and for the patient's use only as
13 authorized under [this chapter](#).

14 Sec. _____. NEW SECTION. **124D.9 Medical cannabis**
15 **grower licensure.**

16 1. The department shall license medical cannabis
17 growers to grow, cultivate, harvest, and transport
18 cannabis within this state consistent with the
19 provisions of this chapter.

20 2. The department shall consider the following
21 factors in determining whether to license a medical
22 cannabis grower:

23 *a.* The technical expertise of the medical cannabis
24 grower in growing, breeding, cultivating, and
25 harvesting cannabis for medical use.

26 *b.* The qualifications of the medical cannabis
27 grower's employees.

28 *c.* The long-term financial stability of the medical
29 cannabis grower.

30 *d.* The ability to provide appropriate security
31 measures on the premises of the medical cannabis
32 grower.

33 *e.* Whether the medical cannabis grower has
34 demonstrated an ability to meet certain cannabis
35 production needs for medical use regarding the range

1 of recommended dosages for each debilitating medical
2 condition, the range of chemical compositions of
3 any plant of the genus cannabis that will likely be
4 medically beneficial for each of the debilitating
5 medical conditions, and the form of the cannabis
6 grown for medical use in the manner determined by the
7 department pursuant to rule.

8 3. Each entity submitting an application for
9 licensure as a medical cannabis grower shall pay a
10 nonrefundable application fee of five thousand dollars
11 to the department.

12 Sec. ____ . NEW SECTION. 124D.10 **Medical cannabis**
13 **growers.**

14 1. The operating documents of a medical cannabis
15 grower shall include all of the following:

16 a. Procedures for the oversight of the medical
17 cannabis grower and procedures to ensure accurate
18 recordkeeping.

19 b. Procedures for the implementation of appropriate
20 security measures to deter and prevent the theft
21 of cannabis grown for medical use and unauthorized
22 entrance into areas containing cannabis grown for
23 medical use.

24 2. A medical cannabis grower shall implement
25 security requirements, including requirements for
26 protection of each location by a fully operational
27 security alarm system, facility access controls,
28 perimeter intrusion detection systems, and a personnel
29 identification system.

30 3. A medical cannabis grower shall install and
31 operate on a twenty-four-hour basis a real-time audio
32 and video monitoring system on the grounds and in
33 all buildings of the medical cannabis grower. The
34 information contained in the monitoring system is
35 confidential and shall not be disclosed except to

1 authorized employees or agents of the department as
2 necessary to perform the duties of the department
3 under this chapter or pursuant to court order. Such
4 information shall be stored and retained by the medical
5 cannabis grower for a minimum of six months from the
6 date such audio and video information is created.

7 4. A medical cannabis grower shall not share office
8 space with, refer patients to, or have any financial
9 relationship with a health care practitioner.

10 5. The location of a medical cannabis grower shall
11 be physically separate and off-site from the location
12 of a medical cannabidiol manufacturer and a medical
13 cannabidiol dispensary.

14 6. A medical cannabis grower shall not permit any
15 person to consume cannabis grown for medical use on the
16 property of the medical cannabis grower.

17 7. A medical cannabis grower is subject to
18 reasonable inspection by the department.

19 8. *a.* A medical cannabis grower shall not employ a
20 person who is under eighteen years of age or who has
21 been convicted of any felony offense.

22 *b.* An employee of a medical cannabis grower shall
23 be subject to a background investigation conducted
24 by the division of criminal investigation of the
25 department of public safety and a national criminal
26 history background check.

27 *c.* An employee of a medical cannabis grower shall
28 be subject to periodic drug testing as determined by
29 the department pursuant to rule.

30 9. A medical cannabis grower shall not operate in
31 any location within one thousand feet of a public or
32 private school existing before the date of the medical
33 cannabis grower's licensure by the department.

34 10. A medical cannabis grower shall not engage
35 in any advertising relating to the medical cannabis

1 grower.

2 11. *a.* A medical cannabis grower shall provide
3 a reliable and ongoing supply of cannabis grown for
4 medical use to medical cannabidiol manufacturers
5 pursuant to this chapter.

6 *b.* All growing, cultivating, and harvesting of
7 medical cannabis shall take place in an enclosed,
8 locked facility at a physical address provided to the
9 department during the licensure process.

10 *c.* A medical cannabis grower shall supply a
11 reliable and ongoing amount of cannabidiol to treat
12 every debilitating medical condition listed in this
13 chapter.

14 12. A medical cannabis grower shall pay an annual
15 fee determined by the department equal to the cost of
16 regulating and inspecting the grower during that year.

17 Sec. ____ . NEW SECTION. 124D.11 **Medical cannabidiol**
18 **manufacturer licensure.**

19 1. The department shall license medical cannabidiol
20 manufacturers to process, package, transport, and
21 supply cannabidiol within this state consistent with
22 the provisions of this chapter.

23 2. The department shall consider the following
24 factors in determining whether to license a medical
25 cannabidiol manufacturer:

26 *a.* The technical expertise of the medical
27 cannabidiol manufacturer in processing, packaging,
28 transporting, and supplying cannabidiol.

29 *b.* The qualifications of the medical cannabidiol
30 manufacturer's employees.

31 *c.* The long-term financial stability of the medical
32 cannabidiol manufacturer.

33 *d.* The ability to provide appropriate security
34 measures on the premises of the medical cannabidiol
35 manufacturer.

1 3. The department shall require each medical
2 cannabidiol manufacturer to contract with the state
3 hygienic laboratory at the university of Iowa in Iowa
4 City to test the cannabidiol produced by the medical
5 cannabidiol manufacturer as to content, contamination,
6 and consistency. The department shall require the
7 state hygienic laboratory to report testing results
8 to the medical cannabidiol manufacturer in a manner
9 determined by the department pursuant to rule.

10 4. Each entity submitting an application for
11 licensure as a medical cannabidiol manufacturer shall
12 pay a nonrefundable application fee of five thousand
13 dollars to the department.

14 Sec. _____. NEW SECTION. **124D.12 Medical cannabidiol**
15 **manufacturers.**

16 1. A medical cannabidiol manufacturer shall pay the
17 cost of all state hygienic laboratory testing.

18 2. The operating documents of a medical cannabidiol
19 manufacturer shall include all of the following:

20 a. Procedures for the oversight of the medical
21 cannabidiol manufacturer and procedures to ensure
22 accurate recordkeeping.

23 b. Procedures for the implementation of appropriate
24 security measures to deter and prevent the theft of
25 cannabidiol and unauthorized entrance into areas
26 containing cannabidiol.

27 3. A medical cannabidiol manufacturer shall
28 implement security requirements, including requirements
29 for protection of each location by a fully operational
30 security alarm system, facility access controls,
31 perimeter intrusion detection systems, and a personnel
32 identification system.

33 4. A medical cannabidiol manufacturer shall install
34 and operate on a twenty-four-hour basis a real-time
35 audio and video monitoring system on the grounds and in

1 all buildings of the medical cannabidiol manufacturer.
2 The information contained in the monitoring system
3 is confidential and shall not be disclosed except to
4 authorized employees or agents of the department as
5 necessary to perform the duties of the department
6 under this chapter or pursuant to court order. Such
7 information shall be stored and retained by the medical
8 cannabidiol manufacturer for a minimum of six months
9 from the date such audio and video information is
10 created.

11 5. A medical cannabidiol manufacturer shall not
12 share office space with, refer patients to, or have any
13 financial relationship with a health care practitioner.

14 6. The location of a medical cannabidiol
15 manufacturer shall be physically separate and off-site
16 from the location of a medical cannabis grower and a
17 medical cannabidiol dispensary. A medical cannabidiol
18 manufacturer shall not permit any person to consume
19 cannabidiol on the property of the medical cannabidiol
20 manufacturer. A medical cannabidiol manufacturer is
21 subject to reasonable inspection by the department.

22 a. A medical cannabidiol manufacturer shall not
23 employ a person who is under twenty-one years of age or
24 who has been convicted of any felony offense.

25 b. An employee of a medical cannabidiol
26 manufacturer shall be subject to a background
27 investigation conducted by the division of criminal
28 investigation of the department of public safety and a
29 national criminal history background check.

30 c. An employee of a medical cannabidiol
31 manufacturer shall be subject to periodic drug testing
32 as determined by the department pursuant to rule.

33 7. A medical cannabidiol manufacturer shall not
34 engage in any advertising relating to the medical
35 cannabidiol manufacturer.

1 8. *a.* All processing and packaging of cannabidiol
2 shall take place in an enclosed, locked facility at a
3 physical address provided to the department during the
4 licensure process.

5 *b.* A medical cannabidiol manufacturer shall supply
6 a reliable and ongoing amount of cannabidiol oil to
7 treat every debilitating medical condition listed in
8 this chapter.

9 9. A medical cannabidiol manufacturer shall pay
10 an annual fee determined by the department equal to
11 the cost of regulating and inspecting the medical
12 cannabidiol manufacturer during that year.

13 Sec. ____ . NEW SECTION. 124D.13 **Medical cannabidiol**
14 **dispensary licensure.**

15 1. *a.* The department shall license medical
16 cannabidiol dispensaries to dispense cannabidiol for
17 medical use within this state consistent with the
18 provisions of this chapter.

19 *b.* Information submitted during the application
20 process shall be confidential until the medical
21 cannabidiol dispensary is licensed by the department
22 unless otherwise protected from disclosure under state
23 or federal law.

24 2. The department shall consider the following
25 factors in determining whether to license a medical
26 cannabidiol dispensary:

27 *a.* The technical expertise of the medical
28 cannabidiol dispensary in packaging and dispensing
29 cannabidiol for medical use.

30 *b.* The qualifications of the medical cannabidiol
31 dispensary's employees.

32 *c.* The long-term financial stability of the medical
33 cannabidiol dispensary.

34 *d.* The ability to provide appropriate security
35 measures on the premises of the medical cannabidiol

1 dispensary.

2 e. The medical cannabidiol dispensary's projection
3 and ongoing assessment of fees for the purchase or
4 dispensing of medical cannabidiol for patients with
5 debilitating medical conditions.

6 3. Each entity submitting an application for
7 licensure as a medical cannabidiol dispensary shall
8 pay a nonrefundable application fee of five thousand
9 dollars to the department.

10 4. A medical cannabidiol dispensary shall pay
11 an annual fee determined by the department equal to
12 the cost of regulating and inspecting the medical
13 cannabidiol dispensary during that year.

14 Sec. ____ . NEW SECTION. 124D.14 **Medical cannabidiol**
15 **dispensaries.**

16 1. a. The medical cannabidiol dispensaries shall
17 be located throughout the state based on geographical
18 need for patient access.

19 b. A medical cannabidiol dispensary may dispense
20 cannabidiol for medical use pursuant to the provisions
21 of this chapter but shall only dispense cannabidiol for
22 medical use in oil form.

23 2. The operating documents of a medical cannabidiol
24 dispensary shall include all of the following:

25 a. Procedures for the oversight of the medical
26 cannabidiol dispensary and procedures to ensure
27 accurate recordkeeping.

28 b. Procedures for the implementation of appropriate
29 security measures to deter and prevent the theft of
30 cannabidiol grown for medical use and unauthorized
31 entrance into areas containing cannabidiol grown for
32 medical use.

33 3. A medical cannabidiol dispensary shall implement
34 security requirements, including requirements for
35 protection by a fully operational security alarm

1 system, facility access controls, perimeter intrusion
2 detection systems, and a personnel identification
3 system.

4 4. A medical cannabidiol dispensary shall install
5 and operate on a twenty-four-hour basis a real-time
6 audio and video monitoring system on the grounds and in
7 all buildings of the medical cannabidiol dispensary.
8 The information contained in the monitoring system
9 is confidential and shall not be disclosed except to
10 authorized employees or agents of the department as
11 necessary to perform the duties of the department
12 or pursuant to court order. Such information shall
13 be stored and retained by the medical cannabidiol
14 dispensary for a minimum of six months from the date
15 the audio and video information is created.

16 5. A medical cannabidiol dispensary shall not share
17 office space with, refer patients to, or have any
18 financial relationship with a health care practitioner.

19 6. The location of a medical cannabidiol dispensary
20 shall be physically separate and off-site from the
21 location of a medical cannabis grower and a medical
22 cannabidiol manufacturer.

23 7. A medical cannabidiol dispensary shall not
24 permit any person to consume cannabidiol grown for
25 medical use on the property of the medical cannabidiol
26 dispensary.

27 8. A medical cannabidiol dispensary is subject to
28 reasonable inspection by the department.

29 9. *a.* A medical cannabidiol dispensary shall not
30 employ a person who is under eighteen years of age
31 or who has been convicted of a disqualifying felony
32 offense.

33 *b.* An employee of a medical cannabidiol dispensary
34 shall be subject to a background investigation
35 conducted by the division of criminal investigation of

1 the department of public safety and a national criminal
2 history background check.

3 c. An employee of a medical cannabidiol dispensary
4 shall be subject to periodic drug testing as determined
5 by the department pursuant to rule.

6 10. A medical cannabidiol dispensary shall not
7 operate in any location within one thousand feet of a
8 public or private school existing before the date of
9 the medical cannabidiol dispensary's licensure by the
10 department.

11 11. A medical cannabidiol dispensary shall not
12 engage in any advertising relating to the medical
13 cannabidiol dispensary.

14 12. Prior to dispensing of any cannabidiol for
15 medical use in oil form, a medical cannabidiol
16 dispensary shall do all of the following:

17 a. Verify that the medical cannabidiol dispensary
18 has received a valid cannabidiol registration card
19 from a patient or a patient's primary caregiver, if
20 applicable.

21 b. Assign a tracking number to any cannabidiol for
22 medical use dispensed from the medical cannabidiol
23 dispensary.

24 13. A medical cannabidiol dispensary shall employ a
25 pharmacist licensed pursuant to chapter 155A.

26 Sec. ____ . NEW SECTION. **124D.15 Fees.**

27 Cannabidiol registration card fees and medical
28 cannabis grower and medical cannabidiol manufacturer
29 and medical cannabidiol dispensary application and
30 annual fees collected by the department pursuant to
31 this chapter shall be retained by the department, shall
32 be considered repayment receipts as defined in section
33 8.2, and shall be used for the purpose of regulating
34 medical cannabis growers, medical cannabidiol
35 manufacturers, and medical cannabidiol dispensaries and

1 for other expenses necessary for the administration of
2 this chapter. Notwithstanding section 8.33, moneys
3 that remain unencumbered or unobligated at the end of
4 the fiscal year shall not revert to the general fund
5 of the state.

6 Sec. ____ . NEW SECTION. 124D.16 **Reciprocity.**

7 A valid cannabidiol registration card, or its
8 equivalent, issued under the laws of another state that
9 allows an out-of-state patient to purchase, possess,
10 and use cannabidiol for medical use in the jurisdiction
11 of issuance shall have the same force and effect as
12 a valid cannabidiol registration card issued pursuant
13 to this chapter and allows an out-of-state patient in
14 this state to purchase cannabidiol for medical use from
15 a medical cannabidiol dispensary in this state and to
16 possess and use the cannabidiol for medical use in this
17 state.

18 Sec. ____ . NEW SECTION. 124D.17 **Use of cannabidiol**
19 **— smoking and vaping prohibited.**

20 A patient shall not consume cannabidiol possessed or
21 used as authorized by this chapter by smoking or vaping
22 cannabidiol.

23 Sec. ____ . NEW SECTION. 124D.18 **Penalties.**

24 1. A person who knowingly or intentionally
25 possesses or uses cannabidiol in violation of the
26 requirements of this chapter is subject to the
27 penalties provided under chapters 124 and 453B.

28 2. A medical cannabis grower, medical cannabidiol
29 manufacturer, or medical cannabidiol dispensary shall
30 be assessed a civil penalty of up to one thousand
31 dollars per violation for any violation of this chapter
32 in addition to any other applicable penalties.

33 3. A health care practitioner who makes what the
34 health care practitioner knows to be a false statement
35 of material fact on a written recommendation provided

1 to a patient pursuant to section 124D.3 or who submits
2 what the person knows to be any materially falsified
3 or forged documentation in connection with such a
4 recommendation commits a class "C" felony.

5 4. A patient or primary caregiver who makes what
6 the person knows to be a false statement of material
7 fact on a cannabidiol registration card application
8 submitted pursuant to section 124D.4 or who submits
9 what the person knows to be any materially falsified
10 or forged documentation in connection with such an
11 application commits a class "C" felony.

12 Sec. ____ . REPORT — RECOMMENDATION — ACTION BY
13 GENERAL ASSEMBLY.

14 1. The university of Iowa carver college of
15 medicine and college of pharmacy shall, on or before
16 July 1 of each year, beginning July 1, 2018, submit a
17 report detailing the scientific literature, studies,
18 and clinical trials regarding the medical use of
19 cannabidiol to the department of public health and the
20 general assembly. The report may recommend additional
21 debilitating medical conditions that qualify for the
22 medical use of cannabidiol and shall include a range
23 of recommended dosages for each debilitating medical
24 condition and the range of chemical compositions of
25 any plant of the genus Cannabis that will likely be
26 medically beneficial for each of the debilitating
27 medical conditions.

28 2. The general assembly is requested to review any
29 additional debilitating medical conditions recommended
30 and submitted to the general assembly pursuant to
31 subsection 1 during the following regular session
32 of the general assembly and to approve by law any
33 additional debilitating medical conditions during that
34 regular session.

35 Sec. 24. REPEAL. Section 124D.7, Code 2017, is

1 repealed.>

2 2. Title page, line 3, by striking <law> and
3 inserting <law, providing for civil and criminal
4 penalties and fees,>

5 3. By renumbering as necessary.

KRESSIG of Black Hawk

FORBES of Polk